

**ORAL ARGUMENT NOT YET SCHEDULED**  
**IN THE UNITED STATES COURT OF APPEALS**  
**FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**AIR ALLIANCE HOUSTON, et al.,**

**Petitioners,**

**v.**

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, et al.,**

**Respondents.**

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) **No. 20-1268**  
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**EPA’S STATUS REPORT**

In compliance with the Court’s June 7, 2024, Order (Document #2058405), Respondent United States Environmental Protection Agency (EPA) submits this 90-day status report. Petitioners challenge the rule entitled, “National Emission Standards for Hazardous Air Pollutants: Coal and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review,” 85 Fed. Reg. 31,286 (May 22, 2020). On the same day that Petitioners in No. 20-1268 filed their petition for review of the residual risk and technology review, they also filed a petition with EPA

for reconsideration of the residual risk and technology review.

Document #1857786 at 2. Petitioners then filed an unopposed motion to place this case in abeyance to allow EPA to consider the administrative petition before this case proceeds. *Id.*

On April 24, 2023, EPA published proposed amendments to its section 112 standards for electric generating units in the Federal Register in a proposed rulemaking. 88 Fed. Reg. 24854 (April 24, 2023). On May 7, 2024, EPA published a final rulemaking in the Federal Register, based on the April 24, 2023, proposal, to amend certain section 112 standards for electric generating units, titled “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review.” 89 Fed. Reg. 38508 (May 7, 2024).

In the final rule, EPA amended certain Mercury and Air Toxics Standards (known as MATS) as a result of EPA’s review of the May 22, 2020, residual risk and technology review challenged by petitioners in this action. However, the final rule did not complete the pending administrative reconsideration proceedings. EPA’s consideration of the

administrative petition is ongoing. EPA will submit a further status report no later than 90 days from the date of this report.

Dated: April 10, 2025

Respectfully submitted,

/s/ Redding Cofer Cates  
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